



HARRIS, WILTSHIRE
& GRANNIS LLP

REDACTED — FOR PUBLIC INSPECTION.

February 1, 2016

Accepted/Files

BY HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

FEB - 1 2016

Federal Communications Commission
Office of the Secretary

DOCKET FILE COPY ORIGINAL

Re: Rural Call Completion, WC Docket No. 13-39

Dear Secretary Dortch:

Enclosed please find a one-time letter from Tropo, LLC ("Tropo") explaining that it does not make the long-distance call path choice for more than 100,000 domestic retail subscriber lines.

Tropo respectfully requests that, pursuant to 47 C.F.R. §§ 0.457 and 0.459 of the Federal Communications Commission's rules, the Commission withhold from public inspection and accord confidential treatment to the one-time letter, because it contains trade secrets and sensitive commercial or financial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ Tropo is voluntarily providing this information "of a kind that would customarily not be released to the public"; therefore, this information is "confidential" under FOIA.² Moreover, Tropo would suffer substantial competitive harm if this information were disclosed.³

The one-time letter is marked accordingly with the header "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION."

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁴ Tropo hereby states as follows:

¹ 5 U.S.C. § 552(b)(4) & (7).

² See *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992).

³ See *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F. 2d 765 (D.C. Cir. 1974).

⁴ 47 C.F.R. § 0.459(b).

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List ABCDE

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁵

Tropo seeks confidential treatment of its one-time letter explaining that it does not make the long-distance call path choice for more than 100,000 domestic retail subscriber lines (the “One-Time Letter”).

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁶

Tropo is filing the One-Time Letter to explain to the Commission that it is not a “covered provider” under the Commission’s rural call completion rules.⁷

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁸

The information for which Tropo seeks confidential treatment contains sensitive trade secrets and commercial or financial information which would customarily be guarded from competitors. This information includes the size and capacity of Tropo’s software application platform, and the identity of and scope of work performed by its third-party vendors.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION⁹

The One-Time Letter contains information relating to commercial and financial matters that could be used by competitors to Tropo’s disadvantage. Tropo has numerous competitors in the provision of communications software application programming interface services.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹⁰

Competitors could use the confidential information to Tropo’s detriment, as it could be used to derive information about Tropo’s business plans, commercial relationships, operations, and revenues. Release would therefore result in substantial competitive harm to Tropo and its brand.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹¹

⁵ *Id.* § 0.459(b)(1).

⁶ *Id.* § 0.459(b)(2).

⁷ *See Rural Call Completion*, 28 FCC Rcd. 16,154, 16,185 ¶ 67 (2013).

⁸ *Id.* § 0.459(b)(3).

⁹ *Id.* § 0.459(b)(4).

¹⁰ *Id.* § 0.459(b)(5).

Tropo has closely guarded the confidential information contained in the One-Time Letter, and has not disclosed this information to the public.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹²

Tropo has not previously disclosed this confidential information to the public.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹³

Tropo requests that the confidential information be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the confidential information.

9. OTHER INFORMATION THAT TROPO BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁴

The confidential information at issue concerns sensitive information about the size, finances, and commercial operations of a company in an emerging and competitive industry.

Should you have any questions regarding the foregoing, please contact the undersigned at 202-730-1346 or bstrandberg@hwglaw.com.

Respectfully submitted,



Brita D. Strandberg
Counsel to Tropo, LLC

¹¹ *Id.* § 0.459(b)(6).

¹² *Id.* § 0.459(b)(7).

¹³ *Id.* § 0.459(b)(8).

¹⁴ *Id.* § 0.459(b)(9).



Tropo, LLC

170 West Tasman Drive
San Jose
California, 95134

Tel No: +1-415-326-6620

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BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Rural Call Completion, WC Docket No. 13-39

Dear Ms. Dortch:

Tropo, LLC registered as a non-interconnected VoIP provider late last year. Tropo recently determined ***Begin Confidential***

End Confidential

Sincerely,

Kevin Adamson
Business Operations Manager
Tropo, LLC

Begin Confidential

End Confidential